

**IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF TENNESSEE, EASTERN DIVISION**

Mary Epperson, individually and as
Natural mother and next friend of decedent
Eddie Ray Epperson; Janie Epperson,
Individually and as next of kin and next friend
of decedent Eddie Ray Epperson; and Sharae
Williams, individually and as daughter and
next friend of Eddie Ray Epperson

Plaintiff,

v.

City of Humboldt, Tennessee; Robert Ellis,
Individually and as Chief of Police of the
Humboldt Police Department; Antonio
Buford, individually and as member of the
Humboldt Police Department; Kevin Hill,
individually and as member of the
Humboldt Police Department;
Chris Smith, individually and as member
of the Humboldt Police Department; and John
Does 1-10, individually and as members of the
Humboldt Police Department;

Defendants.

Case No. 1:15-cv-01074
Originating Case No. H-3977

DEFENDANTS' ANSWER TO PLAINTIFFS' COMPLAINT

FIRST DEFENSE

1. In response to ¶ 1, Defendants admit the allegations in the first grammatical sentence. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in ¶ 1, and in Footnote 1.
2. In response to ¶ 2 of the Complaint, the Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations.

3. In response to ¶ 3, Defendants admit that Sharae Williams is the daughter of Eddie Ray Epperson. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations.
4. In response to ¶ 4, Defendants admit the allegations in the first grammatical sentence. Defendants deny the allegations in the second and third grammatical sentences.
5. In response to ¶ 5, Defendants admit the allegations in the first grammatical sentence. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the second grammatical sentence. Defendants admit the allegations in the third grammatical sentence. Although Defendants admit the allegations in the fourth grammatical sentence, they deny that they are liable to the plaintiffs.
6. In response to ¶ 6, Defendants admit the allegations.
7. In response to ¶¶ 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, second ¶ numbered 21, second ¶ numbered 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31, Defendants deny the allegations.
8. In response to ¶ 15, Defendants admit that Hill and Smith attempted to stop Mr. Epperson. Defendants deny Bufford attempted to stop Epperson. In response to the second grammatical sentence, Defendants deny the allegations. In response to the third grammatical sentence, Defendants admit that the officers tried to restrain Mr. Epperson, but they deny that restraint was unnecessary. Defendants deny the allegations in the fourth grammatical sentence.

SECOND DEFENSE

Plaintiffs' conclusory allegations fail to state claims against the Defendants.

THIRD DEFENSE

Plaintiffs have failed to state a claim under the Tennessee Governmental Tort Liability Act against Humboldt, Tennessee.

FOURTH DEFENSE

Plaintiffs have failed to state a claim for damages under the Tennessee Constitution.

FIFTH DEFENSE

Under Tennessee's wrongful-death statute, some of these plaintiffs lack standing to bring this action. Once the defendants determine who is not a proper party, they will move to dismiss the parties who lack standing.

SIXTH DEFENSE

Plaintiffs have failed to state Fourteenth Amendment claims against these defendants.

Wherefore, having fully answered, the Defendants request that this cause be dismissed with its costs.

01129/76315

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, P.L.C.

BY: s/ Dale Conder, Jr.
DALE CONDER, JR., BPR #015419
JOHN D. BURLESON, BPR #010400
MATTHEW R. COURTERN, BPR #29113
Attorneys for Defendants
209 E. Main St.
P. O. Box 1147
Jackson, Tennessee 38302-1147
(731) 423-2414
dconder@raineykizer.com

CERTIFICATE OF SERVICE

On the 23rd day of April, 2015, I electronically filed this document. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing report. All other parties will be served by regular U.S. Mail. Parties can access this filing through the Court's electronic filing system.

Michael H. Rowan, BPR 25066
The Rowan Law Firm
2201 Dunn Avenue
Nashville, TN 37211
Phone 615-469-1196
FAX 615-469-2527

s/ Dale Conder, Jr.